

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

---

In re:	:	Chapter 11
EASTERN LIVESTOCK CO., LLC,	:	Case No.: 10-93904-BHL-11
Debtor.	:	
	:	
	:	

---

**MOTION FOR PRODUCTION OF DOCUMENTS**  
**FROM YOUR COMMUNITY BANK UNDER BANKRUPTCY RULE 2004**

Fifth Third Bank (“Fifth Third”), a creditor and party in interest herein, hereby moves the Court by the undersigned counsel for an order requiring Your Community Bank (“YCB”) to produce all documents and records in its possession or control pertaining to the matters described in the attached Memorandum in Support. A proposed order is attached hereto.

Date: June 23, 2011

Respectfully submitted,

/s/ Randall D. LaTour

Randall D. LaTour (admitted pro hac vice)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, OH 43216  
Telephone: (614) 464-8290  
Facsimile: (614) 719-4821  
Email: rdlatour@vssp.com  
Counsel for Fifth Third Bank, N.A.

**MEMORANDUM IN SUPPORT**

Rule 2004 of the Federal Rules of Bankruptcy Procedure provides as follows:

(a) Examination on motion. On motion of any party in interest, the court may order the examination of any entity.

\*\*\*\*\*

(c) Compelling attendance and production of documentary evidence. The attendance of an entity for examination and for the production of documents, whether the examination is to be conducted within or without the district in which the case is pending, may be compelled as provided in Rule 9016 for the attendance of a witness at a hearing or trial. As an officer of the court, an attorney may issue and sign a subpoena on behalf of the court for the district in which the examination is to be held if the attorney is admitted to practice in that court or in the court in which the case is pending.

Fifth Third, as a creditor, is a party in interest in this action. As such, Fifth Third desires to examine YCB's documents regarding funds that were deposited in and debited from certain bank accounts related to the debtor, Eastern Livestock Co., LLC. Specifically, Fifth Third requests production of the documents indicated in the attached Exhibit A.

Fifth Third requests that this Court issue an order requiring the production of the requested documents on July 14, 2011 at 8250 East Washington Street, Indianapolis, IN 46219.

Date: June 23, 2011

Respectfully submitted,

/s/ Randall D. LaTour

Randall D. LaTour (admitted pro hac vice)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, OH 43216  
Telephone: (614) 464-8290  
Facsimile: (614) 719-4821  
Email: rdlatour@vssp.com  
Counsel for Fifth Third Bank, N.A.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2011, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's ECF system.

- David L. Abt davidabt@mwt.net
- John W. Ames jwa@gdm.com, shm@gdm.com;tlm@gdm.com;rtrowbridge@kslaw.com
- Christopher E. Baker cbaker@hklawfirm.com
- T. Kent Barber kbarber@dlgfirm.com, dlgecf@dlgfirm.com;dlgecfs@gmail.com
- C. R. Bowles crb@gdm.com, shm@gdm.com
- Lisa Koch Bryant courtmail@fbhllaw.net
- James M. Carr james.carr@bakerd.com, patricia.moffit@bakerd.com
- John R. Carr jrciii@acs-law.com, sfinnerty@acs-law.com
- Deborah Caruso dcaruso@daleeke.com, lharves@daleeke.com;mthomas@daleeke.com
- Bret S. Clement bclement@acs-law.com, sfinnerty@acs-law.com
- Jesse Cook-Dubin jcookdubin@vorys.com, vdarmstrong@vorys.com
- Kirk Crutcher kcrutcher@mcs-law.com, jparsons@mcs-law.com;cmarshall@mcs-law.com
- Dustin R. DeNeal dustin.deneal@bakerd.com, patricia.moffit@bakerd.com
- Laura Day DelCotto ldelcotto@dlgfirm.com, dlgecf@dlgfirm.com;dlgecfs@gmail.com
- David Alan Domina dad@dominalaw.com, KKW@dominalaw.com;efiling@dominalaw.com
- Daniel J. Donnellon ddonnellon@fclaw.com, knorwick@fclaw.com
- Sarah Stites Fanzini sfanzini@hopperblackwell.com
- Robert H. Foree robertforee@bellsouth.net

- Sandra D. Freeburger sfreeburger@dsf-atty.com, smattingly@dsf-atty.com
- Terry E. Hall terry.hall@bakerd.com, sharon.korn@bakerd.com; sarah.herendeen@bakerd.com
- John David Hoover jdhoover@hooverhull.com
- John Huffaker john.huffaker@sprouselaw.com, lynn.acton@sprouselaw.com; rhonda.rogers@sprouselaw.com
- James Bryan Johnston bjtexas59@hotmail.com, bryan@ebs-law.net
- Todd J. Johnston tjohnston@mcjllp.com
- Edward M. King tking@fbtlaw.com, dgioffre@fbtlaw.com
- James A. Knauer jak@kgrlaw.com, hns@kgrlaw.com
- Theodore A Konstantinopoulos ndohbky@jbandr.com
- Randall D. LaTour rdlatour@vorys.com, khedwards@vorys.com
- David A. Laird david.laird@moyewhite.com
- David L. LeBas dlebas@namanhowell.com, koswald@namanhowell.com
- Elliott D. Levin robin@rubin-levin.net, edl@trustesolutions.com
- Elliott D. Levin edl@rubin-levin.net, atty\_edl@trustesolutions.com
- Kim Martin Lewis kim.lewis@dinslaw.com, lisa.geeding@dinslaw.com; patrick.burns@dinslaw.com
- Karen L. Lobring lobring@msn.com
- John Hunt Lovell john@lovell-law.net, sabrina@lovell-law.net; shannon@lovell-law.net
- John Frederick Massouh john.massouh@sprouselaw.com
- Michael W. McClain mike@kentuckytrial.com
- Kelly Greene McConnell lisahughes@givenspursley.com
- James Edwin McGhee, III mcghee@derbycitylaw.com

- William Robert Meyer rmeyer@stites.com
- Allen Morris amorris@stites.com, dgoodman@stites.com
- Judy Hamilton Morse judy.morse@crowedunlevy.com, ecf@crowedunlevy.com; donna.hinkle@crowedunlevy.com; karol.brown@crowedunlevy.com
- Walter Scott Newbern wsnewbern@msn.com
- Matthew J. Ochs matt.ochs@moyewhite.com, kim.maynes@moyewhite.com
- Cathy S. Pike cpike@weberandrose.com, jtench@weberandrose.com
- Ross A. Plourde ross.plourde@mcafeetaft.com, erin.clogston@mcafeetaft.com
- Wendy W. Ponader wendy.ponader@bakerd.com, sarah.herendeen@bakerd.com
- Timothy T. Pridmore tpridmore@mcjllp.com, lskibell@mcjllp.com
- Jeffrey E. Ramsey jramsey@hopperblackwell.com, mhaught@hopperblackwell.com
- Susan K. Roberts skr@stuartlaw.com
- Mark A. Robinson mrobinson@vhrlaw.com, dalbers@vhrlaw.com
- Jeremy S. Rogers Jeremy.Rogers@dinslaw.com, joyce.jenkins@dinslaw.com
- John M. Rogers johnr@rubin-levin.net, susan@rubin-levin.net
- Ashley S. Rusher asr@blancolaw.com
- Thomas C. Scherer tscherer@binghammchale.com
- Ivana B. Shallcross ibs@gdm.com
- William E. Smith, III wsmith@k-glaw.com
- Robert K. Stanley robert.stanley@bakerd.com
- Meredith R. Thomas mthomas@daleeke.com, kmark@daleeke.com
- John M. Thompson john.thompson@crowedunlevy.com, jody.moore@crowedunlevy.com, donna.hinkle@crowedunlevy.com
- U.S. Trustee ustpregion10.in.ecf@usdoj.gov

- Andrea L. Wasson andrewawassonatty@gmail.com
- Stephen A. Weigand sweigand@fclaw.com
- Charles R. Wharton Charles.R.Wharton@usdoj.gov, Charles.R.Wharton@usdoj.gov
- Sean T. White swhite@hooverhull.com, fgipson@hooverhull.com
- Jessica E. Yates jyates@swlaw.com, edufficy@swlaw.com
- James T. Young james@rubin-levin.net,  
ATTY\_JTY@trustesolutions.com;kim@rubin-levin.net;lemerson@rubin-levin.net;mthornburg@rubin-levin.net

I further certify that on June 23, 2011, a copy of such document was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

N/A

/s/ Randall D. LaTour  
Randall D. LaTour

**EXHIBIT A**  
**DEFINITIONS**

The following words and phrases shall be defined and used as follows:

1. "Documents" refers to each and every document and writing, as defined in Rule 34 of the Federal Rules of Civil Procedure, now or formerly, in the actual or constructive possession, custody or control of, whether a copy, draft, or original, and wherever located, including but not limited to the following:
  - (a) Correspondence;
  - (b) Telegrams, cables, telex messages and mailgrams;
  - (c) Memoranda, inter- and intra-office memoranda, computer files, electronic mail;
  - (d) Diaries, desk calendars, appointment books, and telephone call books;
  - (e) Notes, notations, note pads, comments, records, summaries, minutes, findings, transcripts;
  - (f) Reports, studies, analyses, opinions, investigations, evaluations, appraisals;
  - (g) Worksheets and work papers;
  - (h) Notices and notifications;
  - (i) Affidavits, depositions;
  - (j) Statements;
  - (k) Interviews;
  - (l) Books, pamphlets, texts, journals, publications;
  - (m) Newspaper and magazine articles;
  - (n) Accounting books and records such as journals, ledgers, inventory records, job cost records, payroll records, including time cards, time sheets, payroll checks (front and back side), checks (front and back side), check stubs and

check registers, and their equivalents, or otherwise, and all supporting documentation;

- (o) Financial records such as balance sheets, profit and loss statements, income statements, and their equivalents;
- (p) Tabulations, calculations, computations, charts, plans, specifications, drawings, designs, diagrams;
- (q) Schedules, lists;
- (r) Contracts, agreements, purchase orders, acknowledgments;
- (s) Preliminary Affidavits;
- (t) Printouts or other stored information regardless of whether reduced to the printed page including electronic mail or messages from computers or other information retention or processing systems;
- (u) Photographic matter or sound reproduction or recording matter, however produced, reproduced, or stored;
- (v) Videotapes and audiotapes;

and any other written, printed, typed, taped, recorded or graphic matter, together with any exhibits, attachments or schedules to or with the foregoing, and any copies or duplicates of the foregoing which are different because of marginal or handwritten notations or because of any markings thereon.

2. “Communications” refers to writings, correspondence, oral communications, telephone conversations, electronic mail or other computer generated transmissions, meetings, conferences, visits, discussions, and any other contracts, oral or written, formal or informal, at any time or place, and under any circumstances whatsoever in which information of any nature was transmitted or exchanged in any form.

3. “Person” means natural persons, individuals, firms, businesses, corporations, limited liability corporations, public corporations, municipal corporations, state governments,

local governments, agencies, partnerships, groups, associations, proprietorships, joint ventures, unincorporated associations, and all other organizations or entities of that type.

4. “Your Community Bank” refers to Your Community Bank and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

5. “Eastern Livestock” refers to Eastern Livestock Co., LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

6. “J&L Cattle” refers to J&L Cattle Co. or J&L Cattle Co., LLC and any of their respective present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under their control or on their behalf.

7. “GP Cattle Company” refers to GP Cattle Company and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

8. “Okie Farms” refers to Okie Farms, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

9. “Eastern Cattle Co.” refers to Eastern Cattle Co., LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

10. “Rocking E. Feeders” refers to Rocking E. Feeders, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

11. “Crow Hollow” refers to Crow Hollow, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

12. “Gibson Farms” refers to Gibson Farms, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

13. “Olim” refers to Olim, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

14. “Taylor County Stockyards” refers to Taylor County Stockyards, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

15. “West Kentucky Livestock Market” refers to West Kentucky Livestock Market, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

16. “East-West Trucking” refers to East-West Trucking Co., LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

17. “Bluegrass South Livestock Market” refers to Bluegrass South Livestock Market, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

18. “Blue Grass Stockyards” refers to Blue Grass Stockyards Company and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

19. “Bluegrass Stockyards of Campbellsville” refers to Bluegrass Stockyards of Campbellsville, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

20. “Bluegrass-Maysville Stockyards” refers to Bluegrass-Maysville Stockyards, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

21. “Bluegrass Stockyards East” refers to Bluegrass Stockyards East, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

22. “Bluegrass Stockyards of Richmond” refers to Bluegrass Stockyards of Richmond, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

23. “S&B Cattle” refers to S&B Cattle Company and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

24. “Willie Downs Livestock” refers to Willie Downs Livestock, Inc. and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

25. "E4 Cattle Company" refers to E4 Cattle Company, LLC and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

26. "Rusty Rat Cattle Co." refers to Rusty Rat Cattle Co., Inc. and any of its present or former agents, representatives, consultants, counsel, and all persons or entities acting or purporting to act under its control or on its behalf.

27. "Any" shall be deemed to include and encompass the words "each" and "all." The words "and" and "or" shall be construed conjunctively or disjunctively as is necessary to make the request inclusive rather than exclusive. "Including" means including without limitation. The past tense shall be construed to include the present tense and vice versa, to make the request inclusive rather than exclusive.

28. "Relating to" or "related to" shall mean constituting, pertaining, mentioning, containing, discussing, embodying, reflecting, identifying, recording, stating, referring to or in any way relevant to.

29. "And" as well as "or" shall be construed, either disjunctively or conjunctively, as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside its scope.

### **INSTRUCTIONS**

1. The singular of any word shall include the plural, and the plural of any word shall include the singular.

2. Every request for a document or documents to be produced requires production of the document, in its entirety, without abbreviation or expurgation, and without redaction of any portions of the document.

3. More than one paragraph of this request may ask for the same document. The presence of such duplication should not be interpreted to narrow or limit the normal interpretation placed upon each individual request. Where a writing is requested in more than one numbered paragraph, only one copy of it need be produced.

4. If any document requested was, but is no longer in your possession, custody, or control, or is no longer in existence:

- (a) state whether it is missing or lost;
- (b) state whether it has been destroyed;
- (c) state whether it has been transferred, voluntarily or involuntarily, to others, and state the identity of those persons to whom it has been transferred;
- (d) state whether it has been otherwise disposed of, and in each instance, explain the circumstances surrounding such disposition, state the date or approximate date of the disposition, and the identity of the persons with knowledge of such circumstances;
- (e) identify the writings that are missing, lost, destroyed, transferred, or otherwise disposed of, by author, date, subject matter, addressee and number of pages;
- (f) describe in detail the unsuccessful effort you made to locate the records;
- (g) if a request seeks a specific document or an itemized category which is not in your possession, custody, or control, provide any documents you have that contain all or part of the information contained in the requested document or category.

5. If you do not clearly understand, or have any questions about, the definitions, instructions, or any request for documents, please contact counsel for Lockheed Martin promptly for clarification.

**REQUESTS FOR PRODUCTION**

1. All records for accounts owned by Eastern Livestock, including but not limited to all deposit slips and all deposited items, from January 1, 2008 to August 31, 2010.
2. All records for accounts owned by Eastern Livestock, including but not limited to all deposit slips and all deposited items, from September 1, 2010 to present.
3. All loan documents relating to Eastern Livestock, including but not limited to promissory notes, guaranties, and borrower certificates.
4. All documents reflecting communication between Your Community Bank and Eastern Livestock from January 1, 2008 to present.
5. All documents reflecting communication between Your Community Bank and any person relating to Eastern Livestock from January 1, 2008 to present.
6. All check registers and account statements relating to Eastern Livestock during the period from January 1, 2008 to the present.
7. All checks or other negotiable instruments relating to Eastern Livestock during the period from September 1, 2010 to the present.
8. All checks or other negotiable instruments relating to Eastern Livestock during the period from January 1, 2008 to August 31, 2010.
9. All documents reflecting signatories on any accounts owned by Eastern Livestock.
10. All records for accounts owned by Thomas P. Gibson or Patsy Gibson, including but not limited to all deposit slips and all deposited items, from January 1, 2008 to August 31, 2010.

11. All records for accounts owned by Thomas P. Gibson or Patsy Gibson, including but not limited to all deposit slips and all deposited items, from September 1, 2010 to present.
12. All loan documents relating to Thomas P. Gibson or Patsy Gibson, including but not limited to promissory notes, guaranties, and borrower certificates.
13. All documents reflecting communication between Your Community Bank and Thomas P. Gibson or Patsy Gibson from January 1, 2008 to present.
14. All documents reflecting communication between Your Community Bank and any person relating to Thomas P. Gibson or Patsy Gibson from January 1, 2008 to present.
15. All check registers and account statements relating to Thomas P. Gibson or Patsy Gibson during the period from January 1, 2008 to the present.
16. All checks or other negotiable instruments relating to Thomas P. Gibson or Patsy Gibson during the period from September 1, 2010 to the present.
17. All checks or other negotiable instruments relating to Thomas P. Gibson or Patsy Gibson during the period from January 1, 2008 to August 31, 2010.
18. All documents reflecting signatories on any accounts owned by Thomas P. Gibson or Patsy Gibson.
19. All documents relating to any accounts owned by Grant Gibson from January 1, 2008 to present.
20. All documents reflecting communication between Your Community Bank and Grant Gibson from January 1, 2008 to present.
21. All documents reflecting communication between Your Community Bank and any person relating to Grant Gibson from January 1, 2008 to present.
22. All documents relating to Grant Gibson from January 1, 2008 to present.

23. All records for accounts owned by Steve McDonald from January 1, 2008 to present.
24. All documents reflecting communication between Your Community Bank and Steve McDonald from January 1, 2008 to present.
25. All documents reflecting communication between Your Community Bank and any person relating to Steve McDonald from January 1, 2008 to present.
26. All documents relating to Steve McDonald from January 1, 2008 to present.
27. All records for accounts owned by Darren Brangers from January 1, 2008 to present.
28. All documents reflecting communication between Your Community Bank and Darren Brangers from January 1, 2008 to present.
29. All documents reflecting communication between Your Community Bank and any person relating to Darren Brangers from January 1, 2008 to present.
30. All documents relating to Steve McDonald from January 1, 2008 to present.
31. All documents relating to Pam Gibson from January 1, 2008 to present.
32. All documents relating to Willie Downs from January 1, 2008 to present.
33. All documents relating to James E. Edens, IV from January 1, 2008 to present.
34. All documents relating to Darrell Beauchamp from January 1, 2008 to present.
35. All documents relating to Thomas P. Gibson Irrevocable Generation Skipping Trust from January 1, 2008 to present.
36. All records of accounts owned by GP Cattle Company, including but not limited to all deposit slips and copies of all deposited items, from January 1, 2008 to present.
37. All documents relating to GP Cattle Company from January 1, 2008 to present.

38. All documents relating to J&L Cattle from January 1, 2008 to present.
39. All documents relating to Okie Farms from January 1, 2008 to present.
40. All documents relating to Eastern Cattle from January 1, 2008 to present.
41. All documents relating to Rocking E. Feeders from January 1, 2008 to present.
42. All documents relating to Crow Hollow from January 1, 2008 to present.
43. All documents relating to Gibson Farms from January 1, 2008 to present.
44. All documents relating to Olim from January 1, 2008 to present.
45. All documents relating to Taylor County Stockyards from January 1, 2008 to present.
46. All documents relating to West Kentucky Livestock Market from January 1, 2008 to present.
47. All documents relating to East-West Trucking Co. from January 1, 2008 to present.
48. All documents relating to Bluegrass South Livestock Market from January 1, 2008 to present.
49. All documents relating to Blue Grass Stockyards Company from January 1, 2008 to present.
50. All documents relating to Bluegrass Stockyards of Campbellsville from January 1, 2008 to present.
51. All documents relating to Bluegrass-Maysville Stockyards from January 1, 2008 to present.
52. All documents relating to Bluegrass Stockyards East from January 1, 2008 to present.

53. All documents relating to Bluegrass Stockyards of Richmond from January 1, 2008 to present.
54. All documents relating to S&B Cattle from January 1, 2008 to present.
55. All documents relating to Willie Downs Livestock from January 1, 2008 to present.
56. All documents relating to E4 Cattle Company from January 1, 2008 to present.
57. All documents relating to Rusty Rat Cattle Co. from January 1, 2008 to present.